

Biennial Message
of
GOV. SAM A. BAKER

TO THE

FIFTY-FOURTH GENERAL ASSEMBLY
OF MISSOURI



CITY OF JEFFERSON
January 5, 1927

Biennial Message
of
GOV. SAM A. BAKER

TO THE
FIFTY-FOURTH GENERAL ASSEMBLY
OF MISSOURI



CITY OF JEFFERSON
January 5, 1927

THE HUGH STEPHENS PRESS
JEFFERSON CITY, Mo.



MESSAGE

Members of the Fifty-fourth General Assembly:

For the first time in many years, and possibly for the first time in the history of the state, the General Assembly is composed of an equal number of Democrats and Republicans. While this might be a source of disappointment to some adherents of both the major political parties, it can and I trust will, make for more constructive legislation than if one party had a numerical advantage over the other.

We are all citizens of the United States and of the great state of Missouri and I am sure that the oath of office we have taken is regarded by all of us as a sacred declaration to do our duty to all the people of the state to the best of our ability and understanding.

It is my duty, in accordance with the Constitution, to prepare a message to this Assembly. Briefly I shall undertake to set forth some of the problems that confront us and make some suggestions regarding their solution. I cannot, of course, go into detail regarding all the departments and their activities, but I shall be glad, at any time, to discuss with any of the members of the General Assembly any of the matters in which they are especially interested and show them any reports from any of the departments that have been filed with me. By working together harmoniously to the end that we may render constructive service, some of our problems may be solved and government function more economically and efficiently than ever before. I earnestly and sincerely desire the co-operation of every member of this General Assembly.

ADMINISTRATIVE COSTS.

There has been some discussion about the increased cost of government. There has been some increased cost in the interest

of progress and efficiency, but these increases have been by a vote of the people for some special activity and not through the General Assembly nor the Executive Offices. Some years ago we did not have the Highway Department. Neither did we have the highways. The sixty million dollar bond issue voted by the people will soon be exhausted. Not one penny of this money was raised by taxation. Does any citizen want to go back to the days of mud roads?

Yes, the Highways; the Soldier Bonus; the Blind Pension and other measures, all voted by the people for worthy and special activities, have increased the total expenditures, but deduct these special activities, and the total cost of government activities in Missouri, notwithstanding the increased cost of living, has not been noticeably increased in the last ten or twelve years. Take the item of public printing alone, and you will find that less money was spent in 1925-26 than was spent in the same period of time 15 years ago in face of the fact that the cost of printing has practically doubled in the last few years.

Perhaps these statisticians have also counted the revolving funds as added costs. The members of this General Assembly know that they are not. In my message to the Fifty-third General Assembly I advised that the estimated revenue for 1925-26 would be about \$13,000,000 or that this would be the amount available from the General Revenue for all expenses of State Government met from this source, after deducting one-third of the total amount received, for school purposes. The General Assembly, two years ago, as you all know, appropriated \$6,575,298.26 more than the estimated revenue for the biennial period. I was thus confronted with the problem of either permitting a large deficit or cutting the appropriation to come within the estimated revenue. I chose the latter alternative and vetoed \$3,121,018.39 and withheld from immediate use of the various departments, boards and institutions, \$3,454,279.87. I have since been able to release a considerable portion of the

amount withheld, and have paid all deficiencies of the 1923-24 period for which any appropriations were made. The money for the completion of all state buildings contracted for before the beginning of this administration has also been released and made available for use. I trust the recent experiences of the state institutions will forever do away with the practice in vogue for many years, of contracting for new buildings before the money for their completion has been provided. It has not been possible to do much new building as such appropriations were vetoed outright for the simple reason that there was no money for such buildings and no prospects of a sufficient amount coming in any time before the close of the biennium. In many instances, however, there was no question regarding the needs of the institutions making requests for new buildings.

There has been about \$1,500,000 collected for the General Revenue over the estimate for the biennial period, which has made it possible for the administration to take care of the pressing financial needs and start the new biennium with a balance in the Treasury of \$1,414,356.52. Only one institution has a deficit. The Southwest State Teachers College exceeded its salary appropriation by about \$18,000. There are slight deficits in two or three funds, over which neither the Governor nor any other authority has control, such as the Criminal Costs, and the cost of assessing and collecting the state revenue. There is also a deficit in the item known as "Appropriation for Printing for the Executive Offices." There is, however, enough money in the treasury to more than take care of these deficits. In some instances I find also that some board, department or institution, may have overdrawn in one or more items of their appropriation, but there is plenty of money in other items, and that they have turned back into the treasury far more than a sufficient amount to have taken care of the overdrawn accounts. There are far too many items listed in the appropriations made for the different departments, boards, and institutions. In many cases the

items overlap, and are listed for the purpose of getting a larger appropriation than would be possible if the entire amount asked for was grouped in fewer items. A change in this system of appropriations would permit a decrease in the number of book-keepers and clerks necessary in keeping a check on all the appropriations. Why not group the appropriations in as few items as possible and place the responsibility of right use of such funds squarely on the department heads or institutions.

INCOME AND EXPENSES.

The custom of some departments, boards and institutions, of spending more than their appropriations and then calling on the General Assembly to make up the deficit must stop if economy is to be any part of our scheme of government. Many of the activities which have brought about these increased expenditures are commendable but no department of government should deliberately spend one dollar more than has been appropriated in the regular way.

The estimated revenue for 1927-28, after deducting for the support of the public schools, will be approximately \$14,500,000. I do not anticipate that the county collectors will be able to add much to this in back collections. They exhausted this source of revenue the past year. Nor can the auditors hope to do any better with the income tax collections than has already been accomplished. This brings us face to face with the age-old problem of securing sufficient revenue for operating expenses. I do not want to increase the property tax, nor the income tax—neither do you. I do not want to discourage the home owner, nor the man or woman who wishes to add to his or her income honestly and legitimately from year to year. We must then find a means of increasing our revenue without adding to the burdens of those of our citizens already carrying a load heavier than they can bear.

For many years here in Missouri, there has been an increasing desire on the part of the people of our commonwealth to provide a more stable and adequate fund for our free public schools and our higher educational institutions supported by the State. There is no difference of opinion regarding the importance of education. Justice and equality are the cornerstones of our government and it is neither justice nor equality of rights to neglect to give to every boy and girl in the state, regardless of race, color or environment, at least the fundamentals of an education. It is the function of the state to provide for the education of its youth. Like the building of highways it is not a matter to be left entirely to the local communities. To this end I strongly urge upon this General Assembly the creation of a permanent school fund, fifty per cent of which shall go to the public schools, in addition to provisions already made by the Constitution, and fifty per cent to the higher educational institutions. The passage of this bill will solve the financial situation and the revenue will come from sources that will not be felt individually and the school districts may, if they so desire, lower their local tax rate for school purposes.

You men and women doubtless know that the Constitution of Missouri expressly provides that the University of Missouri shall be supported from the School Fund and there is no School Fund now. Let's create one by the following method:

INHERITANCE TAX.

"All moneys which may hereafter be derived under any law now in force in this state, or which may hereafter be enacted, levying a tax upon inheritances shall be and are hereby made a part of the permanent school fund, to be apportioned and used in accordance with the provisions of this article; and no state tax shall hereafter be levied or imposed, except for school purposes as in this article provided, upon any successions, legacies, or death duties of any character, or in any form, or anything in the nature of death duties."

SHOWS AND AMUSEMENTS TAX.

"There is hereby levied and shall be collected a privilege or license tax of ten per centum upon each ten cents, or fraction of ten cents, of the price of admission to all shows, motion picture shows, theatres, operas, boxing matches, wrestling matches, baseball games, and all other athletic or sporting exhibitions or performances hereafter given within this State, whether the same be given by or under the auspices of clubs or organizations, or given independently."

TOBACCO AND CIGARETTE TAX.

"There is hereby levied upon all cigars, cigarettes, manufactured chewing tobacco, manufactured smoking tobacco, and all other kinds of manufactured tobacco, including snuff, hereafter sold within the State of Missouri, a privilege or license tax of ten per centum of the sale price of each cigar, each package of cigarettes, and a like rate of ten per centum of the sale price of chewing tobacco, smoking tobacco, and every other kind of manufactured tobacco, including snuff; and said tax shall be collected from the person, firm or corporation making sale thereof in the first instance within this state."

There is not a great deal of legislation needed. No man can be made successful or happy by legislation alone. No human law can make a man honest or prosperous in business; it can only give him an opportunity to realize on his industry and integrity which is merely the birthright of all. There are, no doubt, many laws on the statutes that could be repealed without any injury whatever to the people of the state. Some legislation of course is needed and from time to time we can all think of plans that in our opinion would better conditions throughout the state.

RECOMMENDATIONS.

In addition to the Permanent School Fund, which is not only a revenue-producing measure, but a measure in the interest

of better schools and more general educational opportunities, I respectfully recommend the following legislation, and in the interest of economy and efficiency, strongly urge:

- 1.—A redistricting plan for the entire state creating larger school units. Like the Rotten Borough troubles in England some centuries ago, population has shifted and some of our school districts now have very few children. It costs as much to maintain a school district of ten children as one of thirty.
- 2.—The creation of a budget system with teeth in it, similar to that now in operation by the Federal government, to be operated through the Tax Commission or through a Budget Commissioner appointed by the Governor.
- 3.—The abolition of all boards which are not functioning; also refrain from creating new ones.
- 4.—Make all appropriations in as nearly a lump sum as possible giving the Governor the right to withhold a portion in addition to the right which he now has to veto.
- 5.—Repeal the Act authorizing an appropriation for printing for the Executive Departments and have each department pay for its own printing out of an appropriation for "Printing" for the respective departments.
- 6.—An appropriation for Industrial Rehabilitation. None was made two years ago because the law was not functioning properly. Now that we have the Workmen's Compensation Act in force, Industrial Rehabilitation can be made constructive and much good accomplished in co-operation with this board.
- 7.—Appropriate legislation for putting into effect Proposition No. 2 adopted by the people of the state November 2, 1926, relating to pensions for the police of the large cities.
- 8.—Change the law relating to requirements for number of negro children sufficient to establish a negro school in any district, from 15 to 7, and provide for the education of all negro

children in districts containing less than the number required by law for the establishment of a school. Such provision might be patterned after the so-called "Light House Schools" in some of the states along the coast. At least require all school districts to provide at the expense of the district some means of giving to the negro children an opportunity for at least an elementary education.

- 9.—A separate reformatory for negro boys.
- 10.—A law limiting the age of those admitted to the reformatories to seventeen. These institutions can never be in any sense of the word reformatories as long as grown-up men and women are admitted and allowed to mix and mingle with those of less mature minds.
- 11.—Some agency should be created to have legal supervision over the boys and girls for a period of time after they have been released from the reformatories.
- 12.—The Penal Board should have the right to transfer from the reformatories to the Penitentiary. They now have the right to transfer from the Penitentiary to the Reformatory, with the approval of the Governor.
- 13.—There has been some comment at different times about the crowded condition of the Penitentiary and in some quarters the suggestion has been made that if the Governor would release more of the prisoners that the crowded condition would be eliminated. I do not believe that indiscriminate paroles and pardons would relieve the situation at all as such abuse of power by the Governor would mean that the released ones would come back as fast as they are let out. Up to date I have paroled 40, and pardoned 5. None of them have returned. The penitentiary is crowded and relief is needed. Call the additional quarters needed, an intermediate reformatory, if so desired, but better still would be another prison to take care of the hardened and habitual criminals. It is only a small per cent of the total

number now in prison that present any sort of problem for solution.

- 14.—A Constitutional Amendment providing for two additional Supreme Court Judges and abolish the Supreme Court Commission as soon as such amendment goes into effect.
- 15.—Give the Governor the right to remove any official, for neglect of duty, after due trial of the accused official, and provide that in the event of removal of any official that the Governor must appoint from the same political party as the removed officer. The responsibility of law enforcement would then be squarely up to the Governor and the Constitutional provision that he is to see that the laws are faithfully executed could be more nearly enforced. Of course most people would concede to the Governor the right to remove his own appointees but under existing laws there is some doubt as to his authority in this matter after the Senate confirmation. Until the Senate has confirmed, all appointees are only temporary.
- 16.—Give the Attorney-General authority to file information in all criminal cases and prosecute same after the Prosecuting Attorney has refused to do so.
- 17.—I understand that the Missouri State Bankers Association will have some suggestions to place before the General Assembly. While I have not seen any of their measures I feel sure that whatever this organization might have to offer would be in the interest of better financial conditions throughout the state. I should like, however, to suggest that no person should be eligible to hold a position as Bank Cashier until he has shown the Finance Commissioner that he is amply qualified for such responsible position. The Finance Commissioner should be given authority to decide whether or not a bank is needed in any locality applying for a charter. Clearing House Associations out in the state similar to such association in the cities might prove a strong factor in

strengthening weak banks and might be the means of solving the inspection problem. It might be well for your committee on banking to go into the question of a Bank Guarantee Law requiring banks to guarantee all deposits not bearing interest.

- 18.—A law requiring the state educational institutions to turn all fees collected into the State Treasury to the credit of the support fund of the respective institutions.
- 19.—Erection of an office building on the Capitol Grounds to be paid for from the Road Fund.
- 20.—Provide for the supervision, regulation and conduct of the transportation of persons for hire over the public highways of the State of Missouri by motor vehicles.
- 21.—Amend the laws applying to the Initiative and Referendum so as to provide that the circulation of all petitions for either the Initiative or the Referendum shall be under the supervision of the County Clerks or Election Boards.
- 22.—Heretofore, the General Assembly has attempted during the course of a revision session, to make such changes in the existing laws as might be possible to revise the statutes, leaving to a committee appointed by the General Assembly, the duty of publishing the Revised Statutes. This committee had no legislative authority, and under the Constitution, could have none. The result is that the committee had to publish the statutes in the form in which they found them.

As a result of this course, the Revised Statutes of Missouri have accumulated a mass of unconstitutional, obsolete, conflicting, ambiguous, duplicate and unnecessary statutes. The presence of these statutes on our legislative books seriously interferes with the efficiency of the laws of Missouri.

I, therefore, respectfully recommend to your honorable body, that you consider the advisability of establishing a revision commission whose duty it shall be, in advance of the convening

of the General Assembly in the year 1929, to prepare and submit to that Assembly, in the form of proposed legislative enactments, such recommendations as will tend to remove the difficulties in the statutes hereinbefore mentioned.

AGRICULTURE.

I trust that our Federal Congress will pass some constructive legislation for the aid of agricultural conditions. I feel sure that this General Assembly is willing to co-operate in any way that will be beneficial to the farmer.

STATE PARKS.

The acquisition and development of a state park system has been in line with the progress of a greater Missouri, and has met with the general approval of the public. I recommend that the Legislature continue to give its support to the expansion of the state park system and to the conservation of Missouri's wild life resources.

LABOR.

The ratification of the Workmen's Compensation Act at the recent election was a forward step by the people of this state. It will mean much to labor and is fair to all concerned. The act is now functioning. The Commission is well organized and we may look for some real constructive work from this piece of progressive legislation.

CONCLUSION.

Throughout this message I have tried to make a few plain suggestions, leaving your honorable body to decide whether such suggestions are worth while. I sincerely trust that you will heed the suggestions of the Tax Commission in the matter of appropriations. Let's stay within the estimated revenue even

if we have to practice the most rigid economy. You members have been selected to represent your constituents and the state of Missouri. You are to exercise your own judgment. No one can legally dictate to you. Your own knowledge and your own conscience will be your guide. I trust that you will treat all lobbyists alike, whether they come as individuals or representatives of some organization. Require them to file with your honorable body a full and complete statement as to the amount of money collected to carry on their campaign and from whom collected, the amount paid out and to whom paid and for what purpose.

I trust that we may all work together to the end that our very best efforts can be put forth in the service of all the people of this state and when our work is completed that we may have the joy of realizing that our efforts have been progressive and constructive.

✓

